



**FILED**

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Petition of the Greenlining Institute to adopt, amend, or repeal a regulation pursuant to Public Utilities Code Section 1708.5 and in particular, for an Order Instituting Rulemaking to track Supplier Diversity pursuant to California Public Utilities Commission General Order 156.

Petition 05-10-031  
(Filed October 19, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING GREENLINING  
INSTITUTE'S NOTICE OF INTENT TO CLAIM COMPENSATION**

**1. Summary**

This ruling determines that the Greenlining Institute (Greenlining) is eligible for compensation in this proceeding. Article 5 of the Public Utilities Code<sup>1</sup> provides for compensation to public utility customers for reasonable advocate's fees, reasonable expert witness fees, and other reasonable costs of participation or intervention in any proceeding of the Commission. Pursuant to Rules 76.71 *et seq.* of the Rules of Practice and Procedure and § 1801 *et seq.*, Greenlining filed a notice of intent (NOI) to claim such compensation. No other party filed a response.

**2. Timeliness of Filing**

Under § 1804(a)(1), "[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve

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<sup>1</sup> All statutory references are to the Public Utilities Code.

on all parties to the proceeding a notice of intent to claim compensation.” The statute also allows the Commission to use a different procedure for NOI filing where no prehearing conference (PHC) is scheduled.

No PHC has been or will be held in this proceeding in which Greenlining requests a rulemaking to track supplier diversity. By April 18, 2006 ruling, I granted Greenlining’s request for an extension of the deadline for a decision granting or denying its request for a rulemaking. The extension essentially enables Greenlining to seek voluntary compliance with its tracking proposal. Even before the ruling, Greenlining filed its NOI on April 11, 2006.<sup>2</sup> Therefore, Greenlining’s NOI was timely filed.

### **3. Customer Status**

To be eligible for compensation, a participant in a formal Commission proceeding must establish that it is a “customer” according to one of three definitional categories set forth in § 1802(b)(1):

“Customer” means any of the following:

- (A) A participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission.
- (B) A representative who has been authorized by a customer.
- (C) A representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, or to represent small

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<sup>2</sup> Greenlining submitted a corrected NOI with a non-substantive change by e-mail on May 31, 2006.

commercial customers who receive bundled electric service from an electrical corporation.

Decision (D.) 98-04-059 (Conclusion of Law 5) requires a participant seeking compensation to explain how it meets the definition of customer. Greenlining claims customer status under Category (C) as defined above. Greenlining has previously submitted copies of its articles of incorporation and/or bylaws authorizing it to represent interests of residential customers or small commercial customers. Greenlining has provided relevant information indicating that its vast majority of members are residential customers. Greenlining has previously been determined to be a customer under this category. This ruling affirms that Greenlining is a customer as defined by § 1802(b)(1)(C).

#### **4. Interests Represented**

The Commission has directed customers to address whether they will be representing customer interests that would otherwise be underrepresented, as described in D.98-04-059<sup>3</sup> and § 1801.3(f).

Greenlining states that it represents the perspectives, experiences, and interests of minority, low-income, inner city, and other vulnerable and underserved communities – that is, those who will likely be the most impacted by improvements to supplier diversity reporting that may result from this rulemaking. Greenlining has adequately addressed the Commission’s NOI requirement to discuss its representation of interests.

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<sup>3</sup> D.98-04-059, *mimeo.*, pp. 27-28 and Finding of Fact 13.

## **5. Nature and Extent of Planned Participation; Estimate of Compensation**

Section 1804(a)(2)(A) requires that the NOI include both a statement of the nature and extent of a customer's planned participation and an itemized estimate of the compensation that the customer expects to request. Greenlining has provided the required information.

Greenlining states preliminarily that it will: (1) evaluate and suggest improvements to the supplier diversity reporting scheme as it affects small businesses; (2) attempt to obtain voluntary support of Greenlining's proposal as described in its petition; (3) address past and present issues relating to misreporting information to the Commission and customers; and (4) seek to represent small minority businesses generally. Greenlining has not fully formulated the extent of its participation in this proceeding at this time. Greenlining has provided an itemized \$79,450 estimate of compensation that it expects to request in this proceeding.

The above estimate of compensation does not appear to be unrealistic for participation in a petition for rulemaking, which is directed to securing voluntary compliance with the relief requested in the rulemaking and which, by definition, will involve hearings. Under § 1804(c), after issuance of a final order or decision in this proceeding, an eligible customer may request an award of compensation by including at a minimum a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding. Pursuant to § 1804(e), if the Commission finds that the customer requesting compensation has made a substantial contribution, it will determine the amount of compensation to be paid to the customer.

## **6. Significant Financial Hardship**

Under § 1804(a)(2)(B), a showing of significant financial hardship may be made in the NOI or deferred until the request for compensation is filed.

Pursuant to § 1804 (b)(1), a finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other Commission proceedings commencing within one year of the date of that finding.

This petition was filed on October 19, 2005. On April 8, 2005, Greenlining received a finding of significant financial hardship in Application 04-12-014, creating a rebuttable presumption of eligibility in this proceeding. There was no response to this presumption of eligibility.

### **IT IS RULED that:**

1. The Greenlining Institute (Greenlining) timely filed a notice of intent to claim compensation in this proceeding.
2. Greenlining is a customer as defined by § 1802(b)(1)(C).
3. Greenlining has fulfilled the requirements of § 1804(a)(2)(A) by providing statements of the nature and extent of its planned participation and itemized estimates of the compensation it expects to request.
4. Significant financial hardship for Greenlining has been shown by a rebuttable presumption of eligibility based upon an earlier finding of significant financial hardship.
5. Greenlining is eligible for compensation in this proceeding.

Dated June 7, 2006, at San Francisco, California.

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/s/ JANICE GRAU  
Janice Grau  
Administrative Law Judge

**INFORMATION REGARDING SERVICE**

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated June 7, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

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